

E-Filed on 8/16/07

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

Attorneys for USACM Liquidating Trust

STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA  
(CA State Bar No. 136934)  
EVE H. KARASIK  
(CA State Bar No. 155356)  
CHRISTINE M. PAJAK  
(CA State Bar No. 217173), Members of  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, California 90067  
Telephone: (310) 228-5600  
Facsimile: (310) 228-5788  
Email: [fmerola@stutman.com](mailto:fmerola@stutman.com)

[ekarasik@stutman.com](mailto:ekarasik@stutman.com)

[aparlen@stutman.com](mailto:aparlen@stutman.com)

Counsel for the Official Committee Of  
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA  
(Nevada State Bar No. 000405)  
CANDACE C. CARLYON  
(Nevada State Bar No. 002666)  
SHLOMO S. SHERMAN  
(Nevada State Bar No. 009688)  
701 Bridger, Suite 850  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
Facsimile: (702) 471-7435  
Email: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Amended Notice of Hearing; Partial Objection  
of USACM Trust To Coxey Living Trust Claim  
to the Extent Filed in Wrong Debtor's Case;  
Objection of FTDF to Claim as Duplicative of  
Claims Previously Disallowed and Reclassified  
As Equity Interests in Corrected Amounts**

New Hearing Date: September 28, 2007  
New Hearing Time: 1:30 p.m.

**AMENDED NOTICE OF OBJECTION TO CLAIM**

**THE USACM LIQUIDATING TRUST AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. THE DATE OF THE HEARING ON THE OBJECTION, AS WELL AS THE DEADLINE TO RESPOND TO THE OBJECTION HAS BEEN CHANGED. UNLESS THE RESPONSE DEADLINE IS FURTHER ADVANCED BY THE COURT, THE NEW DEADLINE TO RESPOND TO THE OBJECTION IS SEPTEMBER 21, 2007. THE DATE OF THE HEARING ON THE OBJECTION HAS BEEN RESCHEDULED TO SEPTEMBER 28, AT 1:30 P.M. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR [WWW.BMCGROUP.COM/USACMC](http://WWW.BMCGROUP.COM/USACMC), or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 ("FTDF"). The Official Committee of Equity Security Holders of FTDF (the "FTDF Committee"), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and FTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the FTDF estate to the extent you hold an equity interest in

1 FTDF.

2 **NOTICE IS FURTHER GIVEN** that date of the hearing on the Objection has been  
3 rescheduled, and that unless the hearing date is further advanced by the Court, the hearing on the  
4 Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in  
5 the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada,  
6 on **SEPTEMBER 28, 2007** at the hour of **1:30 p.m.** **THE HEARING WILL BE HELD FOR**  
7 **THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY**  
8 **HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**  
9 **HOWEVER, IF THERE IS NO RESPONSE TO THE OBJECTION, THE COURT MAY**  
10 **GRANT THE RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE**  
11 **CLAIMS FILED AGAINST USACM AND THE FTDF.**

12 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is further advanced  
13 by the Court, any response to the Objection must be filed by September 21, 2007 pursuant to  
14 Local Rule 3007(b), which states:

15 If an objection to a claim is opposed, a written response must be  
16 filed and served on the objecting party at least 5 business days  
17 before the scheduled hearing. A response is deemed sufficient if it  
18 states that written documentation in support of the proof of claim  
19 has already been provided to the objecting party and that the  
documentation will be provided at any evidentiary hearing or trial  
on the matter.

20  
21 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
22 pleading with the Court. You *must* also serve your written response on the person  
who sent you this notice.

23 If you do not file a written response with the Court, or if you do not serve your  
24 written response on the person who sent you this notice, then:

- 25
- The Court may *refuse to allow you to speak* at the scheduled hearing; and
  - The Court may *rule against you* without formally calling the matter at the  
26 hearing.

1 Dated: August 16, 2007.

2 By: /s/ Eve H. Karasik  
3 FRANK A. MEROLA (CA State Bar  
4 No. 136934),  
5 EVE H. KARASIK (CA State Bar  
6 No. 155356), and  
7 CHRISTINE M. PAJAK (CA State Bar No.  
8 217173), Members of  
9 STUTMAN, TREISTER & GLATT, P.C.  
10 1901 Avenue of the Stars, 12th Floor  
11 Los Angeles, CA 90067  
12 Telephone: (310) 228-5600

By: /s/ Rob Charles (#006593)  
SUSAN M. FREEMAN  
ROB CHARLES  
LEWIS AND ROCA LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-0961  
Facsimile (702) 949-8321  
Telephone (702) 949-8320  
COUNSEL FOR USACM Liquidating Trust

9 and

10 CANDACE C. CARLYON  
11 Shea & Carlyon, Ltd.  
12 701 Bridger, Suite 850  
13 Las Vegas, NV 89101  
14 Telephone: (702) 471-7432  
15 COUNSEL FOR THE  
16 OFFICIAL COMMITTEE OF EQUITY  
17 SECURITY HOLDERS  
18 OF USA CAPITAL FIRST TRUST DEED  
19 FUND, LLC  
20  
21  
22  
23  
24  
25  
26